

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY**

**IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY
LITIGATION**

**Andrew Becker individually and for Estate of
Maureen McDade Becker deceased**

Plaintiff,

v.

**JOHNSON & JOHNSON and JOHNSON
& JOHNSON CONSUMER, INC. f/k/a
JOHNSON & JOHNSON CONSUMER
COMPANIES, INC.,**

Defendants.

**MDL NO. 2738 (FLW) (LHG)
JUDGE FREDA L. WOLFSON
MAG. JUDGE LOIS H.
GOODMAN**

**COMPLAINT AND JURY
DEMAND**

Civil Action No.: _____

DIRECT FILED ACTION

**SHORT FORM COMPLAINT
AND JURY DEMAND**

The Plaintiff named below files this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff incorporates by reference the allegations contained in *Plaintiffs' Master Long Form Complaint* in *In re: Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2738 in the United States District Court for the District of New Jersey. Plaintiff files this Short Form

Complaint as permitted by Case Management Order No. 1 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint*, where certain claims require specific pleadings and/or amendments, Plaintiff shall add and include them herein.

IDENTIFICATION OF PARTIES

Identification of Plaintiffs

1. Name of individual injured due to the use of talcum powder products: Estate of Maureen McDade Becker
2. At the time of the filing of the specific case, Plaintiff is a citizen of: California
3. Consortium Claim: The following individual alleges damages for loss of consortium: Not Applicable
4. Survival and/or Wrongful Death Claims:

Name and residence of Decedent when she suffered the talcum powder products related death: California
5. Plaintiff was born on 5/29/1969 and died on 12/6/2019
6. Plaintiff is filing this case in a representative capacity: Andrew Becker
7. As a result of using talcum powder products, Plaintiff suffered personal and economic injuries that are alleged to have been caused by the use of the products identified in Paragraph 16 below, but not limited to, the following:

_____ injury to herself
X_____ injury to the person represented
X_____ wrongful death
X_____ survivorship action
X_____ economic loss
X_____ loss of services
_____ loss of consortium
_____ other: _____

Identification of Defendants

8. Plaintiff is suing the following Defendants (please check all that apply)⁷:

- ☒ Johnson & Johnson
☒ Johnson & Johnson Consumer Inc.
☐ Imerys Talc America, Inc. (“Imerys Talc”)
☐ Personal Care Products Council (“PCPC”)

Additional Defendants:

☐ Other Defendants (please specify): _____

⁷ If additional Counts and/or Counts directed to other Defendants are alleged by the specific Plaintiff as to whom this *Short Form Complaint* applies, the specific facts supporting these allegations must be pleaded by the Plaintiff in a manner complying with the requirements of the Federal Rules of Civil Procedure, and the Defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to this *Short Form Complaint*.

JURISDICTION & VENUE

Jurisdiction:

9. Jurisdiction in this Short Form Complaint is based on:

☒ Diversity of Citizenship

☐ Other (The basis of any additional ground for jurisdiction must be pled

in sufficient detail as required by the applicable Federal Rules of Civil Procedure).

Venue:

10. District Court and Division (if any) in which venue was proper where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court and to where remand could be ordered by the Judicial Panel for trial: California Central District Court

CASE SPECIFIC FACTS

11. Plaintiff currently resides in City, State: Lomita, California

12. At the time of the Plaintiff's diagnosis with a talcum powder products injury, Plaintiff resided in City, State: California

13. The Plaintiff was diagnosed with a talcum powder products injury in City, State: Lomita, California in approximately 2009

14. To the best of Plaintiff's knowledge, Plaintiff began using talcum powder products on or about the following date: approximately the early 1980's and continued the use of talcum powder products through about the following date: approximately

2009

15. The Plaintiff purchased talcum powder products in the following State:

California

16. Plaintiff used the following talcum powder products:

☒ Johnson & Johnson's Baby Powder

☒ Shower to Shower

CAUSES OF ACTION

17. Plaintiff hereby adopts and incorporates by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.

18. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by reference by Plaintiff:

☐ Count I: Products Liability – Strict Liability – Failure to Warn
(Against Imerys Talc)

☒ Count II: Products Liability – Strict Liability – Failure to Warn
(Against the Johnson & Johnson Defendants)

☐ Count III: Products Liability – Strict Liability – Defective
Manufacturer and Design (Against Imerys Talc)

☒ Count IV: Products Liability – Strict Liability – Defective
Manufacturer and Design (Against the Johnson & Johnson Defendants)

☒ Count V: Breach of Express Warranties (Against the Johnson &

Johnson Defendants)

☒ Count VI: Breach of Implied Warranty of Merchantability (Against the Johnson & Johnson Defendants)

☒ Count VII: Breach of Implied Warranty of Fitness for a Particular Purpose (Against the Johnson & Johnson Defendants)

☐ Count VIII: Negligence (Against Imerys Talc)

☒ Count IX: Negligence (Against the Johnson & Johnson Defendants)

☐ Count X: Negligence (Against PCPC)

☒ Count XI: Negligent Misrepresentation (Against the Johnson & Johnson Defendants)

☒ Count XII: Fraud (Against the Johnson & Johnson Defendants)

☐ Count XIII: Fraud (Against PCPC)

☒ Count XIV: Violation of State Consumer Protection Laws of the State of California (Against the Johnson & Johnson Defendants)

☐ Count XV: Fraudulent Concealment (Against Imerys Talc)

☒ Count XVI: Fraudulent Concealment (Against the Johnson & Johnson Defendants)

☐ Count XVII: Fraudulent Concealment (Against PCPC)

☒ Count XVIII: Civil Conspiracy (Against All Defendants)

☐ Count XIX: Loss of Consortium (Against All Defendants)

- ☒ Count XX: Punitive Damages (Against All Defendants)
- ☒ Count XXI: Discovery Rule and Tolling (Against All Defendants)
- ☒ Count XXII: Wrongful Death (Against All Defendants)
- ☒ Count XXIII: Survival Action (Against All Defendants)
- ☐ Furthermore, Plaintiff asserts the following additional theories and/or

State Causes of Action against Defendants identified in Paragraph nine (9) above.

If Plaintiff includes additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pled by Plaintiff in a manner complying with the requirements of the Federal Rules of Civil Procedure. _____

WHEREFORE, Plaintiff prays for relief and judgment against Defendants of compensatory damages, punitive damages, interest, costs of suit, and such further relief as the Court deems equitable and just, and as set forth in the Master Long Form Complaint as appropriate.

JURY DEMAND

Plaintiff hereby demands a trial by jury as to all claims in this action.

Dated: August 9, 2021

Respectfully Submitted by,

/s/ Mark P. Robinson, Jr.

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